UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,637	07/23/2003	Mitsutoshi Hasegawa	03500.017418.	6892

5514 7590 12/13/2005

FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER	
RAABE, CHRISTOPHER M	
ART UNIT	**PAPER NUMBER**
2879	

DATE MAILED: 12/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/624,637	HASEGAWA ET AL.	
	Examiner	Art Unit	
	Christopher M. Raabe	2879	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1 and 3-6* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1 and 3-6* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *11/28/05,11/2/05*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Amendment filed September 20, 2005 has been entered and acknowledged by the examiner.

Response to Arguments

2. Applicant's arguments filed September 20, 2005 have been fully considered but they are not persuasive.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later

invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1,3-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ono et al. (US Patent 6278234) in view of Lee et al. (US Patent 6422824).

With regard to claim 1,

Ono et al. disclose an image display device comprising, in an airtight container, an electron source (column 6, line 52, and 1 of fig 1), an image display member (column 6, lines 55-58, and 4 of fig 1); and a getter (column 6, line 57, and 9 of fig 1), the image display member facing the electron source to receive electrons from the electron source (column 6, lines 50-58, and 1, 4, and 5 of fig 1), wherein the getter comprises a first getter and a second getter laminated successively on said image display member in the airtight container.

Ono et al. do not disclose one of the first getter and second getter to be an evaporating getter, the other a non-evaporating getter.

Lee et al. do disclose, for use in a display device, a first getter and a second getter, wherein one of the first getter and second getter is an evaporating getter, the other a non-evaporating getter (column 3, lines 3-6) in order for the evaporating and non-evaporating getters to compliment each other to achieve an optimum result (column 3, lines 1-2, 47-52).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the stacking of the evaporating and non-evaporating getters, taught by Lee et al., into the image display device disclosed by Ono et al. since this will achieve an optimum result (Lee et al. column3, lines 1-2).

With regard to claim 3,

Ono et al. disclose an image display device wherein the getter extends over a region of the image display member that receives the electrons (column 6, lines 55-58, and column 7, lines 33-35).

With regard to claim 4,

Ono et al. disclose an image display device, wherein the getter is constituted by placing first a non-evaporating getter on the getter placement face and then laying a second getter on the non-evaporating getter (column 17, lines 27-30).

Ono et al. do not disclose the second getter to be an evaporating getter.

Lee et al do disclose a second getter to be an evaporating getter when the first getter is a non-evaporating getter (column 3, lines 3-6).

Utilizing the reasoning in the above rejection of claim 1, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the utilization of an evaporating getter and a non-evaporating getter, as disclosed in Lee et al., into the display device of Ono et al.

With regard to claim 5,

Ono et al disclose an image display device, wherein the second getter is thinner than the first non-evaporating getter, upon which it is placed (column 17, lines 27-30, column 20, lines 30-34, 60-63).

Ono et al. do not disclose the second getter to be an evaporating getter.

Lee et al do disclose a second getter to be an evaporating getter when the first getter is a non-evaporating getter (column 3, lines 3-6).

Utilizing the reasoning in the above rejection of claim 1, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the utilization of an evaporating getter to be laid on the non-evaporating getter, as disclosed in Lee et al., into the display device of Ono et al.

With regard to claim 6,

Ono et al. disclose an image display device, wherein the getter is constituted by placing a first getter on the glass plate (getter placement face) and then laying a second, non-evaporating, getter on the first getter (column 17, lines 27-30, and column 20, lines 30-34).

Ono et al. do not disclose the first getter to be an evaporating getter.

Lee et al do disclose a first getter to be an evaporating getter when a second getter is a non-evaporating getter (column 3, lines 3-6).

Utilizing the reasoning in the above rejection of claim 1, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate laying the evaporating getter on the placement face, as disclosed in Lee at al., into the image display device of Ono et al.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher M. Raabe whose telephone number is 571-272-8434. The examiner can normally be reached on m-f 7am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel can be reached on 571-272-2457. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CR

ASHOK PATEL
SUPERVISOR